



**Written Testimony In Support of Raised Bill No. 1143
An Act Concerning Traffic Stop Information
March 22, 2013**

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Sandra J. Staub and I am the Legal Director for the American Civil Liberties Union of Connecticut. I'm here to testify in support of House Bill No. 1143, An Act Concerning Traffic Stop Information.

In James Baldwin's Letter to My Nephew on the One Hundredth Anniversary of the Emancipation, which is included in *The Fire Next Time* (1963), he wrote "if the word *integration* means anything, this is what it means: that we, with love, shall force our brothers to see themselves as they are, to cease fleeing from reality and begin to change it." The ACLU of Connecticut has long advocated for enforcement of the Penn Act's prohibition of racial profiling and its long-disregarded mandate for reporting and analysis of data for all traffic stops in Connecticut. When we finally have meaningful data about the problem of racial profiling we can start to see ourselves as we really are, cease fleeing from reality and begin to change it.

In pursuit of this goal, we advocated last year for changes to the Penn Act. Since the amendments passed last year, the Racial Profiling Prohibition Advisory Project has been working very hard to find the best way to collect and analyze the data on traffic stops. The ACLU of Connecticut participates in this project and supports the legislative changes it has proposed in this bill.

We support the proposed amendments that will require all police officers who make traffic stops in Connecticut to be subject to the data collection requirement. Almost every state that has collected and reported on traffic stop data has acknowledged the importance of having complete data for all traffic stops in order for the analysis as a whole to have integrity. Unless we include all police who can make a traffic stop, the data will be incomplete.

We support the proposed amendment specifying that certain post-stop information be included in the data reporting for each stop. The use of race or ethnicity as a factor in the exercise of discretion is not limited to the initial decision to make the stop, but also has been shown to be a factor in the exercise of discretion to search, to cite or to arrest. The state Office

of Policy and Management may arguably include these additional data points in any form that it ultimately decides to mandate for collection, but this bill gives OPM specific authority to include them.

Studies in many other states demonstrate the value of this post-stop data. Arrest on the basis of warrant is a good example of a post-stop data element that, when collected and amenable to segregation, provides for better analysis and understanding. In the Miami Dade traffic stop study, where there was a significant disparity based on race for post-stop arrest, it was the warrant, not the exercise of discretion by the officer during the stop, that explained the decision to arrest. In the analyses from other states, these post-stop categories provide useful ways to segregate the data and understand when the disparity is from an unlawful exercise of discretion and when it is not. As the Miami Dade study puts it, inventory searches are low-discretion searches and pat downs and probable cause searches are high-discretion. If we do not parse out the post-stop reasons for searches and collect the relevant data elements, we will not be able to analyze the significant racial or ethnic disparities in the exercise of discretion.

The ACLU of Connecticut will remain watchful on the question of timeliness of implementation for this project. After all, as was recounted by numerous witnesses last session, the state has not had a good record regarding implementation of the Penn Act's requirements since the law first was enacted in 1999. The goal of the project is to come up with best practices for data collection and analysis using all available resources. This proposed bill will contribute to attaining this goal. The ACLU of Connecticut hopes that this committee and the legislature will act favorably on this bill, giving no cause for any further delay in the implementation of the new data collection and analysis system by OPM.